



November 17, 2023

**VIA ECF**

Honorable Charles R. Breyer  
United States District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

Celine Cutter  
Partner  
[ccutter@cutterlaw.com](mailto:ccutter@cutterlaw.com)

RE: *In re: Uber Technologies, Inc. Passenger Sexual Assault Litigation*, MDL No. 3084 CRB

Your Honor:

I respectfully apply to serve as plaintiffs' liaison counsel and as a member of the Plaintiffs' Steering Committee for MDL 3084, *In Re: Uber Technologies Inc. Passenger Sexual Assault Litigation*. I am willing and able to immediately commit to the needs of this litigation; indeed, I have already dedicated much of my time to it through my work in the parallel state court coordinated proceeding before Judge Schulman, where I am liaison counsel. My firm, Cutter Law, represents more than 250 clients assaulted in Uber vehicles, and we have been active in all phases of the litigation, including briefing and arguing important matters. My firm and I also have had a leading role in the Lyft coordinated proceeding before Judge Cheng, which progressed through full discovery and motion practice, including experts, before being paused for mediation just before the first bellwether trial. That stay is presently in effect.

I believe that a knowledgeable liaison counsel – upon whom both courts can rely to communicate with all counsel – is essential. The JCCP and the MDL will need to work together as it seems highly likely that document discovery and depositions will occur jointly. For example, my colleagues and I in the JCCP have been negotiating an ESI protocol with Uber and there will need to be a single protocol covering both litigations so the documents can be promptly produced and depositions can proceed and keep us on schedule to complete all fact discovery in 2024. The protective order in both courts should allow for attorneys in both litigations to review and share documents produced in the litigation with each other. Counsel in both forums will need to work closely on depositions to avoid duplication of effort.

My most relevant professional experience includes the following roles:

- Plaintiffs' liaison counsel, *In Re: Uber Rideshare Cases*, Judicial Council Coordinated Proceeding No. 5188, Hon. Ethan Schulman, San Francisco Superior Court, Clerk's Telephone: 415.551.3729
- Plaintiffs' steering committee, *In Re: Lyft Rideshare Cases*, Judicial Council Coordinated Proceeding No. 5061, Hon. Andrew Y. S. Cheng, San Francisco Superior Court, Clerk's Telephone: 415.551.3840
- Plaintiffs' briefing committee, *Juul Labs Product Cases*, Judicial Council Coordinated Proceeding No. 5052, Hon. David S. Cunningham III, Los Angeles Superior Court, Clerk's Telephone: 213.310-7011
- Plaintiff's trial counsel in *Williams v. Sonoma County*, resulting in jury verdict for \$1.8 million for plaintiff, affirmed on appeal. 55 Cal. App. 5<sup>th</sup> 125 (2020) Hon. Arnold Rosenfeld (ret.) Sonoma County Superior Court.



In addition to the above-listed matters, I bring experience pertinent to this case: I represent victims of sexual abuse and assault in single-event cases. To undertake the representation of these clients I have been trained in trauma-informed practices, as have my staff. Our litigation experience in these cases will be an important asset.

I have significant experience in federal district and appellate courts as well. Most recently I conducted fact and expert discovery against Medtronic in an unsealed *qui tam* matter and briefed and argued the ensuing summary judgment motion before Hon. John Kronstadt in the Central District of California. This hearing followed a successful appeal to the Ninth Circuit in the matter that I briefed and then argued in concert with my father. *Dan Abrams Co. LLC v. Medtronic Inc.*, 850 F. App'x 508 (9th Cir. 2021) (Judge Kronstadt may be contacted via email at JAK\_Chambers@cacd.uscourts.gov).

I treat all my colleagues with dignity, courtesy, and integrity, a habit ingrained in me from my training in diplomacy at the State Department. I have established a professional working relationship with counsel for Uber, which I look forward to continuing if I am appointed to a leadership position in this case. I am pleased to have the support of the firms that have been actively litigating on behalf of plaintiffs assaulted in rideshares for the past four years, as well as the counsel who have joined the litigation this year.

Coordination between this MDL and the JCCP must happen at the highest level of plaintiffs' leadership by including lead counsel from the JCCP in the leadership of this case. My firm and the following attorneys represent most of the plaintiffs in this case – those plaintiffs deserve to be represented by the counsel of their choosing. I support the application of John Eddie Williams to be co-lead counsel in this MDL. Mr. Williams' firm represents a large group of injured plaintiffs and his extensive experience, resources and success in litigating complex matters will be important in leading the case. My firm has worked with the firm of Estey Bomberger for over 15 years including acting as co-lead counsel in a JCCP products liability case against Skechers. It is not an exaggeration to say that Mr. Estey is the preeminent trial attorney representing victims of sexual assault in civil proceedings in the United States. He has the verdicts to support that claim. He will be a key member of leadership. Bill Levin is an outstanding and experienced trial lawyer whose firm has been deeply committed to this litigation from the outset and represents a large group of rideshare assault victims. He will be a great asset to leadership.

My firm has extensive experience in leadership of coordinated proceedings in state and federal court and we are knowledgeable about the time and cost requirements of this kind of litigation. We have also worked successfully in cases where close coordination between MDL and JCCCP counsel was required. My firm has the resources to commit to the litigation to carry our share should I be appointed as liaison counsel and a member of the Steering Committee.

Sincerely,

A handwritten signature in blue ink that reads "Celine Cutter".

Celine Cutter  
Partner

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## CELINE CUTTER, PARTNER

Ms. Cutter is an attorney dedicated to representing plaintiffs in sexual assault, personal injury, products liability, False Claims Act (*qui tam*), and class action matters.

### REPRESENTATIVE CASES

- In Re Uber Rideshare Cases – Court-appointed Plaintiffs' Liaison Counsel in coordinated mass tort proceeding on behalf of sexual assault victims. JCCP No. 5188 (San Francisco), Hon. Ethan Schulman
- In Re Lyft Rideshare Cases – Court-appointed Plaintiffs' Steering Committee counsel in coordinated mass tort proceeding on behalf of sexual assault victims. JCCP No. 5061 (San Francisco), Hon. Andrew Y.S. Cheng
- U.S. ex rel. Dan Abrams Co. v. Medtronic et al. – Counsel at district court and 9th Circuit in whistleblower government fraud case. Case No.: 2:15-cv-01212-JAK-AS (C.D. Cal.), Hon. John A. Kronstadt; Dan Abrams Co. LLC v. Medtronic Inc., 850 F. App'x 508 (9th Cir. 2021)
- Juul Labs Products Cases – Briefing committee counsel for coordinated proceeding in products liability matter. JCCP No. 5052 (Los Angeles County), Hon. David S. Cunningham III
- Williams v. County of Sonoma – Co-trial counsel in dangerous condition of public property case. Jury verdict of \$1.8 million, upheld on appeal. Case No.: SCV-261355 (Sonoma County); A156819 (Cal. 1st App. D.)

### PRIOR PROFESSIONAL EXPERIENCE

- *Law Clerk, Cotchett, Pitre & McCarthy, LLP (2015-2016)*
- *Law Clerk, Kershaw, Cutter & Ratinoff, LLP (2014)*
- *Teach for America, Miami Central Senior High School (2011-2013)*
- *Pamela Harriman Foreign Service Fellow, U.S. Dept. of State (2010)*

### ACADEMIC BACKGROUND

- J.D., U.C. Berkeley Law, 2016  
B.A., U.C. Berkeley, 2011

### PROFESSIONAL ACTIVITIES, AFFILIATIONS, & ACCOMPLISHMENTS

- Finalist, 2020 Trial Lawyer of the Year, San Francisco Trial Lawyers Association.
- National Trial Lawyers, Top 40 Under 40
- Super Lawyers Northern California Rising Stars, 2018-2023
- American Association for Justice, Consumer Attorneys of California, San Francisco Trial Lawyers Association, Alameda-Contra Costa Trial Lawyers Association